

AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 1007

Introduced by Senator Hancock
(Coauthors: Senators DeSaulnier, Denham, Liu, and Strickland)

February 10, 2010

An act to amend Sections 82023, 82024, 82036, 82036.5, 84101, 84200.5, 84215, and 85204 of, to add Section 84200.9 to, and to repeal and add Section 84225 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1007, as amended, Hancock. Political Reform Act of 1974: retirement system boards.

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing and requires candidates for elective office, candidates for elective state office, and committees formed or existing primarily to support or oppose those candidates to file specified reports disclosing contributions and independent expenditures made in connection with the campaigns of those candidates.

Existing law further establishes the Board of Administration of the Public Employees' Retirement System to administer the Public Employees' Retirement System and the Teachers' Retirement Board to administer the State Teachers' Retirement System. Existing law specifies the composition of those boards and requires that designated positions on the boards be filled by election. With limited exception, as specified, candidates for election to those boards are not required to comply with the various reporting requirements imposed by the Political Reform Act of 1974.

This bill would revise the definitions of “elective office” and “elective state office” for purposes of the Political Reform Act of 1974 to include membership on the boards described above and would repeal the provision that exempts from the act candidates for election to those boards, thereby subjecting those candidates, and committees formed or existing primarily to support or oppose those candidates, to the reporting requirements of the act. The bill would further make conforming changes to provisions of the act relating to the reporting of late contributions, the reporting of late independent expenditures, the filing of committee organization statements, and the filing of campaign statements and preelection statements. In addition, the bill would give the Fair Political Practices Commission the authority to adopt regulations to tailor the act’s reporting and disclosure requirements for those candidates and committees consistent with the purposes and provisions of the act.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 82023 of the Government Code is
- 2 amended to read:
- 3 82023. “Elective office” means any state, regional, county,
- 4 municipal, district or judicial office that is filled at an election.
- 5 “Elective office” also includes membership on a county central
- 6 committee of a qualified political party, and membership through

election on the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board.

SEC. 2. Section 82024 of the Government Code is amended to read:

82024. "Elective state office" means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, member elected to the Board of Administration of the Public Employees' Retirement System, member elected to the Teachers' Retirement Board, and member of the State Board of Equalization.

SEC. 3. Section 82036 of the Government Code is amended to read:

82036. "Late contribution" means any of the following:

(a) Any contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more and is made to or received by a candidate, a controlled committee, or a committee formed or existing primarily to support or oppose a candidate or measure before the date of the election at which the candidate or measure is to be voted on but after the closing date of the last campaign statement required to be filed before the election. For purposes of the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board, "the date of the election" is the deadline to return ballots.

(b) Any contribution, including a loan, that totals in the aggregate one thousand dollars (\$1,000) or more and is made to or received by a political party committee, as defined in Section 85205, before the date of any state election but after the closing date of the last campaign statement required to be filed before the election.

SEC. 4. Section 82036.5 of the Government Code is amended to read:

82036.5. "Late independent expenditure" means any independent expenditure that totals in the aggregate one thousand dollars (\$1,000) or more and is made for or against any specific candidate or measure involved in an election before the date of the election but after the closing date of the last campaign statement required to be filed prior to the election by a candidate or committee participating in the election. For purposes of the Board of Administration of the Public Employees' Retirement System

1 and the Teachers' Retirement Board, "the date of the election" is
2 the deadline to return ballots.

3 SEC. 5. Section 84101 of the Government Code is amended
4 to read:

5 84101. (a) A committee that is a committee by virtue of
6 subdivision (a) of Section 82013 shall file a statement of
7 organization. The committee shall file the original of the statement
8 of organization with the Secretary of State and shall also file a
9 copy of the statement of organization with the local filing officer,
10 if any, with whom the committee is required to file the originals
11 of its campaign reports pursuant to Section 84215. The original
12 and copy of the statement of organization shall be filed within 10
13 days after the committee has qualified as a committee. The
14 Secretary of State shall assign a number to each committee that
15 files a statement of organization and shall notify the committee of
16 the number. The Secretary of State shall send a copy of statements
17 filed pursuant to this section to the county elections official of each
18 county that he or she deems appropriate. A county elections official
19 who receives a copy of a statement of organization from the
20 Secretary of State pursuant to this section shall send a copy of the
21 statement to the clerk of each city in the county that he or she
22 deems appropriate.

23 (b) In addition to filing the statement of organization as required
24 by subdivision (a), if a committee qualifies as a committee under
25 subdivision (a) of Section 82013 before the date of an election in
26 connection with which the committee is required to file preelection
27 statements, but after the closing date of the last campaign statement
28 required to be filed before the election pursuant to Section 84200.7,
29 84200.8, or 84200.9, the committee shall file, by facsimile
30 transmission, guaranteed overnight delivery, or personal delivery
31 within 24 hours of qualifying as a committee, the information
32 required to be reported in the statement of organization. The
33 information required by this subdivision shall be filed with the
34 filing officer with whom the committee is required to file the
35 originals of its campaign reports pursuant to Section 84215.

36 (c) If an independent expenditure committee qualifies as a
37 committee pursuant to subdivision (a) of Section 82013 during the
38 time period described in Section 82036.5 and makes independent
39 expenditures of one thousand dollars (\$1,000) or more to support
40 or oppose a candidate or candidates for office, the committee shall

1 file, by facsimile transmission, online transmission, guaranteed
2 overnight delivery, or personal delivery within 24 hours of
3 qualifying as a committee, the information required to be reported
4 in the statement of organization. The information required by this
5 section shall be filed with the filing officer with whom the
6 committee is required to file the original of its campaign reports
7 pursuant to Section 84215, and shall be filed at all locations
8 required for the candidate or candidates supported or opposed by
9 the independent expenditures. The filings required by this section
10 are in addition to filings that may be required by Sections 84203.5
11 and 84204.

12 (d) For purposes of this section, in calculating whether one
13 thousand dollars (\$1,000) in contributions has been received,
14 payments for a filing fee or for a statement of qualifications to
15 appear in a sample ballot shall not be included if these payments
16 have been made from the candidate's personal funds.

17 SEC. 6. Section 84200.5 of the Government Code is amended
18 to read:

19 84200.5. In addition to the campaign statements required by
20 Section 84200, elected officers, candidates, and committees shall
21 file preelection statements as follows:

22 (a) During an even-numbered year, all candidates for elective
23 state office being voted upon in the statewide direct primary
24 election or the statewide general election, their controlled
25 committees, and committees primarily formed to support or oppose
26 an elected state officer or a state candidate being voted upon shall
27 file the applicable preelection statements specified in Section
28 84200.7 or 84200.8. All elected state officers who, during the
29 applicable reporting periods covered by Section 84200.7 or
30 84200.8, contribute to any committee required to report receipts,
31 expenditures, or contributions pursuant to this title, or make an
32 independent expenditure, shall file the applicable preelection
33 statements specified in Section 84200.7 or 84200.8. However, a
34 candidate for an office that is not being voted upon in the
35 November election, his or her controlled committee, and any
36 committee primarily formed to support or oppose that candidate
37 is not required to file statements in connection with the November
38 election pursuant to subdivision (b) of Section 84200.7 unless,
39 during the reporting periods covered by Section 84200.7, the
40 candidate, his or her controlled committee, or any committee

1 primarily formed to support or oppose that candidate contributes
2 to any committee required to report receipts, expenditures, or
3 contributions pursuant to this title or makes independent
4 expenditures.

5 (b) During an even-numbered year, all candidates not specified
6 in subdivision (a) who are running for offices being voted upon
7 on the first Tuesday after the first Monday in June or November,
8 their controlled committees, and committees primarily formed to
9 support or oppose those candidates or a measure being voted upon
10 on the first Tuesday after the first Monday in June or November
11 of an even-numbered year shall file the preelection statements
12 specified in subdivision (a) of Section 84200.7 in the case of a
13 June election, or subdivision (b) of Section 84200.7 in the case of
14 a November election.

15 (c) All candidates for offices being voted upon on a date other
16 than the first Tuesday after the first Monday in June or November
17 of an even-numbered year, their controlled committees, and
18 committees primarily formed to support or oppose a candidate or
19 a measure being voted upon on a date other than the first Tuesday
20 after the first Monday in June or November of an even-numbered
21 year shall file the preelection statements specified in Section
22 84200.8.

23 (d) During an election period for the Board of Administration
24 of the Public Employees' Retirement System or the Teachers'
25 Retirement Board, all candidates for these boards, their controlled
26 committees, and committees primarily formed to support or oppose
27 the candidates shall file the preelection statements specified in
28 Section 84200.9.

29 (e) In an even-numbered year in which the statewide direct
30 primary election is held on the first Tuesday after the first Monday
31 in June, a state or county general purpose committee formed
32 pursuant to subdivision (a) of Section 82013, other than a political
33 party committee as defined in Section 85205, shall file the
34 preelection statements specified in Section 84200.7 if it makes
35 contributions or independent expenditures totaling five hundred
36 dollars (\$500) or more during the period covered by the preelection
37 statement. A state or county general purpose committee formed
38 pursuant to subdivision (b) or (c) of Section 82013 is not required
39 to file the statements specified in Section 84200.7.

(f) During an even-numbered year in which the statewide direct primary election is held on a date other than the first Tuesday after the first Monday in June, a state or county general purpose committee formed pursuant to subdivision (a) of Section 82013, other than a political party committee as defined in Section 85205, shall file the preelection statements specified in Section 84200.8 if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement. A state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.8.

(g) During an election period for the Board of Administration of the Public Employees' Retirement System or the Teachers' Retirement Board, a state or county general purpose committee formed pursuant to subdivision (a) of Section 82013 shall file the preelection statements specified in Section 84200.9 if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement. A state or county general purpose committee formed pursuant to subdivision (b) or (c) of Section 82013 is not required to file the statements specified in Section 84200.9.

(h) A political party committee as defined in Section 85205 shall file the applicable preelection statements specified in Section 84200.7 or 84200.8 in connection with a state election if the committee receives contributions totaling one thousand dollars (\$1,000) or more, or if it makes contributions or independent expenditures totaling five hundred dollars (\$500) or more, during the period covered by the preelection statement.

(i) City general purpose committees shall file statements as follows:

(1) City general purpose committees in a city that has an election on the first Tuesday after the first Monday in June or November of an even-numbered year shall file the statements specified in subdivision (a) or (b) of Section 84200.7 for the six-month period in which the city election is held, if they make contributions or independent expenditures totaling five hundred dollars (\$500) or more during the period covered by the preelection statement.

(2) City general purpose committees in a city that has an election on a date other than the first Tuesday after the first Monday in June or November of an even-numbered year shall file the

1 preelection statements specified in Section 84200.8 if they make
2 contributions or independent expenditures totaling five hundred
3 dollars (\$500) or more during the period covered by the preelection
4 statement.

5 SEC. 7. Section 84200.9 is added to the Government Code, to
6 read:

7 84200.9. Preelection statements for an election period for the
8 Board of Administration of the Public Employees' Retirement
9 System or the Teachers' Retirement Board shall be filed as follows:

10 (a) For the period ending five days before the beginning of the
11 ballot period, as determined by the relevant board, a statement
12 shall be filed no later than two days before the beginning of the
13 ballot period.

14 (b) For the period ending five days before the deadline to return
15 ballots, as determined by the relevant board, a statement shall be
16 filed no later than two days before the deadline to return ballots.

17 (c) In the case of a runoff election, for the period ending five
18 days before the deadline to return runoff ballots, as determined by
19 the relevant board, a statement shall be filed no later than two days
20 before the deadline to return runoff ballots.

21 (d) All candidates being voted upon, their controlled committees,
22 and committees primarily formed to support or oppose a candidate
23 being voted upon in that election shall file the statements specified
24 in subdivisions (b) and (c) by guaranteed overnight delivery service
25 or by personal delivery.

26 SEC. 8. Section 84215 of the Government Code is amended
27 to read:

28 84215. All candidates and elected officers and their controlled
29 committees, except as provided in subdivisions (e) and (f), shall
30 file one copy of the campaign statements required by Section 84200
31 with the elections official of the county in which the candidate or
32 elected official is domiciled, as defined in subdivision (b) of
33 Section 349 of the Elections Code. In addition, campaign
34 statements shall be filed at the following places:

35 (a) Statewide elected officers and candidates for these offices
36 other than the Board of Equalization, Supreme Court justices, their
37 controlled committees, committees formed or existing primarily
38 to support or oppose these candidates, elected officers, Supreme
39 Court justices, or statewide measures, or the qualification of state

1 ballot measures, and all state general purpose committees and filers
2 not specified in subdivisions (b) to (f), inclusive:

3 (1) The original and one copy with the Secretary of State.

4 (2) One copy with the Registrar-Recorder of Los Angeles
5 County.

6 (3) One copy with the Registrar of Voters of the City and County
7 of San Francisco.

8 (b) Members of the Legislature or Board of Equalization, court
9 of appeal justices, superior court judges, candidates for those
10 offices, their controlled committees, and committees formed or
11 existing primarily to support or oppose these candidates or
12 officeholders:

13 (1) The original and one copy with the Secretary of State.

14 (2) One copy with the elections official of the county with the
15 largest number of registered voters in the districts affected.

16 (c) Elected officers in jurisdictions other than legislative
17 districts, Board of Equalization districts, or appellate court districts
18 that contain parts of two or more counties, candidates for these
19 offices, their controlled committees, and committees formed or
20 existing primarily to support or oppose candidates or local
21 measures to be voted upon in one of these jurisdictions shall file
22 the original and one copy with the elections official of the county
23 with the largest number of registered voters in the jurisdiction.

24 (d) County elected officers, candidates for these offices, their
25 controlled committees, committees formed or existing primarily
26 to support or oppose candidates or local measures to be voted upon
27 in any number of jurisdictions within one county, other than those
28 specified in subdivision (e), and county general purpose committees
29 shall file the original and one copy with the elections official of
30 the county.

31 (e) City elected officers, candidates for city office, their
32 controlled committees, committees formed or existing primarily
33 to support or oppose candidates or local measures to be voted upon
34 in one city, and city general purpose committees shall file the
35 original and one copy with the clerk of the city. These elected
36 officers, candidates, and committees need not file with the elections
37 official of the county in which they are domiciled.

38 (f) Elected members of the Board of Administration of the Public
39 Employees' Retirement System, elected members of the Teachers'
40 Retirement Board, candidates for these offices, their controlled

1 committees, and committees formed or existing primarily to
2 support or oppose these candidates or elected members shall file
3 the original and one copy with the Secretary of State, and a copy
4 shall be ~~retained~~ *filed* at the relevant board's office in Sacramento.
5 These elected officers, candidates, and committees need not file
6 with the elections official of the county in which they are
7 domiciled.

8 (g) Notwithstanding any other provision of this section, a
9 committee, candidate, or elected officer is not required to file more
10 than the original and one copy, or one copy, of a campaign
11 statement with any one county elections official or city clerk or
12 with the Secretary of State.

13 (h) If a committee is required to file campaign statements
14 required by Section 84200 or 84200.5 in places designated in
15 subdivisions ~~(d) and (e)~~ *(a) to (e), inclusive*, it shall continue to
16 file these statements in those places, in addition to any other places
17 required by this title, until the end of the calendar year.

18 SEC. 9. Section 84225 of the Government Code is repealed.

19 SEC. 10. Section 84225 is added to the Government Code, to
20 read:

21 84225. The provisions of this title apply to candidates for
22 election to the Board of Administration of the Public Employees'
23 Retirement System or the Teachers' Retirement Board, and to
24 committees formed or existing primarily to support or oppose those
25 candidates. The Commission may adopt regulations to tailor the
26 reporting and disclosure requirements for these candidates and
27 committees consistent with the purposes and provisions of this
28 title.

29 SEC. 11. Section 85204 of the Government Code is amended
30 to read:

31 85204. "Election cycle," for purposes of Sections 85309 and
32 85500, means the period of time commencing 90 days prior to an
33 election and ending on the date of the election. For purposes of
34 the Board of Administration of the Public Employees' Retirement
35 System and the Teachers' Retirement Board, "the date of the
36 election" is the deadline to return ballots.

37 SEC. 12. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

6 SEC. 13. The Legislature finds and declares that this bill
7 furthers the purposes of the Political Reform Act of 1974 within
8 the meaning of subdivision (a) of Section 81012 of the Government
9 Code.

O